IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.572 OF 2006
IN
CRI.BAIL APPLICATION NO.1804 OF 2006

The State of Maharashtra. ..Applicant.

V.s.

Iqbal Quayyum Khan. ..Respondent.

Mr.Borulkar,Public Prosecutor with Ms.S.V.Gajare, APP for applicant-State.

CORAM: A.M.KHANWILKAR,J

DATE : NOVEMBER 29, 2006.

P.C.:

1. Heard learned Public Prosecutor. The respondent was ordered to be released on bail. The respondent was accordingly, released on bail. Thereafter, however, the respondent failed to attend the trial Court on several dates, as noted in paragraph-5 of the application. As a result of absence of the respondent before the trial Court, trial could not progress. On the other hand, accused No.1 had applied for bail, which was rejected by this Court and that order came to be confirmed by the Supreme Court with liberty to the accused No.1 to move this court in the event the trial did not progress. Accordingly, the accused No.1 moved this Court for bail citing specific ground that the trial

has not progressed and he should be released on bail as per the liberty granted by the Supreme Court. In the circumstances, on ascertaining the reasons for non-progress of the trial, it transpired that other accused persons were not attending the trial Court on given dates. For which reasons, the trial was required to be adjourned. As there are large number of accused involved, the trial was not progressing smoothly. In the circumstances, all the criminal cases pending against accused persons were required to be consolidated before one court to be tried by one Magistrate Court. As the respondent herein was not appearing before the Trial Court as noted in paragraph-5 of the application, the State has moved this Court for cancellation of the bail. No reply has been filed by the respondent to this application. The respondent is neither present in the court nor represented by any advocate inspite of service of notice of this application. In the circumstances, this Court has no option, but to allow the present application as the averments herein have remained uncontroverted. Hence this application is allowed in terms of prayer clause (b) and (c). Police to proceed against the respondent in accordance with the law.